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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,596	08/25/2006	Eric Thelen	DE030423	8321
24737 7590 03/09/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
CHANG, JON CARLTON				
ART UNIT		PAPER NUMBER		
2624				
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03/09/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/596,596

**Applicant(s)**

THELEN, ERIC

**Examiner**

JON CHANG

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 and 20 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Response to Applicant's Amendment and Arguments***

1. The amendment filed January 15, 2010 has been entered and made of record.
2. In response to the replacement drawing, the objection to the drawings is withdrawn.
3. In response to the amendment to the specification, the objection to the disclosure due to informalities is withdrawn.
4. It is noted that contrary to Applicant's traversal of the objection to the specification, the Examiner did not object to the specification due to the lack of properly labeled section headings. The Examiner only suggested the labeled headings, and made no requirement regarding them.
5. In response to the amendment to the claims, the rejections under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, and 103(a), are withdrawn.
6. Applicant's arguments regarding the rejection of claim 19 have been fully considered, but are deemed to be moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Application Publication 20060050052 to Mekenkamp et al. (hereinafter referred to as "Mekenkamp") in combination with U.S. Patent Application Publication 20040228504 to Chang (hereinafter referred to as "Chang").

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

9. As to claim 19, Mekenkamp discloses a pointing device (Fig.1, element 101 ), extending along a longitudinal axis (Fig.3), containing a camera ([0048], first sentence) positioned in the pointing device such that the camera generates an image of a target

area in front of the pointing device in the direction, along the longitudinal axis of the pointing device, in which the pointing device is aimed ([0048], second sentence).

10. Although Mekenkamp does disclose a motion sensor [0020], it does not disclose that the motion sensor that activates the device. However, using a motion sensor to activate a device is well known in the art. For example, Chang discloses this ([0022]; initiating means, which may be a motion sensor, for initiating the device). The use of a motion sensor to activate the device would provide more convenience to the user. Therefore it would have been obvious to one of ordinary skill in the art to modify Mekenkamp's device to utilize a motion sensor to activate the device as taught by Chang.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,129,986 to Wang et al. (hereinafter referred to as "Wang") in combination with Chang.

12. As to claim 19, Wang discloses a pointing device (Fig.1; the device is pointed to acquire pictures), extending along a longitudinal axis (inherent), comprising:

a camera positioned in the pointing device (Fig.1; imaging device (2)) such that the camera generates an image of a target area in front of the pointing device in the direction along the longitudinal axis of the pointing device, in which the pointing device is aimed (Fig.3; column 4, lines 4-5). Wang does not disclose a motion sensor that activates the pointing device. However, using a motion sensor to activate a device is well known in the art. For example, Chang discloses this ([0022]; initiating means,

which may be a motion sensor, for initiating the device). The use of a motion sensor to activate the device would provide more convenience to the user. Therefore it would have been obvious to one of ordinary skill in the art to modify Wang's device to utilize a motion sensor to activate the device as taught by Chang.

***Allowable Subject Matter***

13. Claims 1-18 and 20 are allowed.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JON CHANG whose telephone number is (571)272-7417. The examiner can normally be reached on M-F 8:00 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571)272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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